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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,656	03/03/1999	MARC PETERS-GOLDEN	UM-03662	2349
7590	02/18/2005		EXAMINER	
Medlin & Carroll LLP 101 Howard Street Suite 350 San Francisco, CA 94105			ART UNIT	PAPER NUMBER

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

ART UNIT

PAPER

02112005

DATE MAILED:

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Commissioner for Patents

This correspondence is in response to the Appeal Brief filed December 3, 2004.

THIS IS THE SECOND NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(c)

The brief does not contain a statement of the status of all the claims, pending or canceled, and identify the claims appealed as required by 37 CFR 1.192(c)(3). Applicants have not provided a concise statement of the status of the claims, but rather a history of the prosecution which has nothing to do with the claims on appeal. Applicants must clearly state which claims are canceled, which claims are withdrawn, which claims are rejected, which claims are objected to, and which claims are allowed.

The brief does not contain a concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6). Applicants have not provided a concise statement of the issues on Appeal. Whether the Examiner used Gosselin properly is not the issue. The issue is "whether Claims 22-25 and 27-37 are obvious under 35 U.S.C. 103(a) as being unpatentable over Gosselin et al. (USP 5,789,441 ; priority to February 15, 1996)", for example.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cochrane Carlson, Ph.D. whose telephone number is 571-272-0946. The examiner can normally be reached on 7:00 AM - 4:00 PM, off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER